REMARKS

The above Amendments and these Remarks are in reply to the Office Action mailed April 4, 2007. Currently, claims 1-26 are pending. Applicants have amended claims 1, 5-6, 12-18, 21 and 23-26. Applicant respectfully requests reconsideration of claims 1-26.

I.   Summary of the Examiner's Objections and Rejections

Claims 1-26 were objected to because of containing informalities.

Claims 1, 20, 24, 25 and 26 were objected to because of containing informalities.

Claims 1, 10 and 18 were rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

Claims 14-17, and 20-26 were rejected under 35 U.S.C. §112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

Claims 1-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Loveland* (U.S. Patent No. 6,826,539 B2) in view of *McClendon et al.,* (U.S. Patent No. 6,625,619 B1).

II.   Summary of the Amendments

Applicant has amended claims 1, 4-6, 12-18, 20-21, 23-26.

III.   Objections to the Claims

The Examiner objected to claims 1-26 because "CAD element" must be spelled out in its entirety when first introduced in the independent claims. Applicant has amended claims 1, 5-6, 14, 18 and 24-26 to spell out CAD as computer aided design in the independent claims and submits this objection is now moot.

The Examiner objected to claims 1, 20 and 24-26 indicating that the claims constitute intended use language of "for storage," "instructions for" and "memory for." Of the three cited uses of the word "for," Applicant only found "for storage" in any of the cited claims and amended the claims to withdraw the use of the word "for" to expedite prosecution. Applicant submits this objection is now moot.

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IV.   Rejection Under 35 U.S.C. §101

The Examiner rejected claims 1, 10 and 18 under 35 USC 101, indicating that the claimed invention was directed towards non-statutory subject matter and that the claims don't recite a practical application. In particular, the Examiner indicated that the claims fail to produce a tangible result because there is not outcome stored or presented to the "link," and that the link is not presented, stored or output to realize its functionality.

Applicant has amended claims 1, 10 and 18 to recite either "generating link data" and "transmitting the link data" by a first computer system (claims 1 and 10) or "storing link data" by a database (claim 18). The recited steps produce a tangible result consisting of link data which is useful for linking two types of data together. Applicant requests the rejections to claims 1, 10 and 18 be withdrawn.

V.   Rejection Under 35 U.S.C. §112, second paragraph

The Examiner rejected claims 14-17, and 20-26 under 35 U.S.C. §112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. In particular, Examiner indicated that it was not clear what the scope of the claims is supposed to encompass.

Claims 14-17, and 20-26 are computer medium claims. Claims 14-17 and 20-26 are in acceptable "Beauregard" claim format, which are a sub-type of product claim. The product is a medium, such as memory or processor readable storage device, for storing processor instructions. The medium stores instructions or other code for performing a method. Claims directed towards a medium for storing processor readable instructions that are executable by a computer or other machine have been found to be allowable based on *In re Beauregard*, 53 F.3d 1583. Because claims 14-17 and 20-26 comply with the allowable Beauregard claim format, Applicant requests the rejection be withdrawn.

Examiner indicated that claims 14-17 should be directed towards "computer readable storage" rather than processor readable storage. Applicant submits that the claim language of "processor readable storage" is acknowledged as an acceptable language for Beauregard claims. In particular, the claim language used in claims 14-17 is similar to the format used in numerous allowed patents, including claims 6-8 of US patent no. 7,176,808, claims 58-62 of US patent

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7,134,137 and claims 13-23 of US patent 7,216,163. Applicant requests the rejections to claims 14-17 be withdrawn.

Examiner indicated that it was not clear what "linking" occurred "in response" to. Applicant has amended claim 25 to indicate that the linking occurs in response to "receiving link data" by the database. Applicant requests the rejection to claim 25 be withdrawn.

Examiner indicated that claim 6 recites a limitation of "the data unit" in the last sentence of the claim and that there is insufficient antecedent basis for this limitation in the claim. Applicant has amended claim 6 to indicate that the particular instance of "the data unit" is the "second" data unit. Applicant requests the rejection to claim 6 be withdrawn.

Examiner indicated that claim 1 recites a limitation of "said component specification" in line 18 of the claim and that there is insufficient antecedent basis for this limitation. Applicant has amended claim 1 to indicate that the particular instance of "component specification" is the "first" component specification. Applicant requests the rejection to claim 1 be withdrawn.

Examiner indicated that claim 4 recites "data units" and that there is insufficient basis for this limitation in the claim. Claim 4 recites a component specification list that represents specifications, wherein each specification in the list represents a data unit stored in the database. Thus, since the list contains more than one specification, and each specification represents a stored data unit, there are multiple data units. Applicant has amended claim 1 to clarify this relationship by reciting "data units associated with the specifications in the specification list." Applicant requests the rejection to claim 4 be withdrawn.

VI.   Rejection Under 35 U.S.C. §103(a) under Loveland and McClendon

Examiner rejected claims 1-26 under 35 USC §103(a) as being unpatentable over United States Patent No. 6,826,539 B2 (*Loveland*) in view of United States Patent No. 6,625,619 (*McClendon*). Because *Loveland* in view of *McClendon* fails to teach or make obvious each limitation of claims 1-26, applicant asserts that claims 1-26 are patentable over the cited art.

Claims 1-4, 12 and 13

Claim 1 is not disclosed or suggested by *Loveland* in view of *McClendon*. Among other

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limitations, claim 1 recites:

> displaying a graphical user interface on the monitor of the first computer system, wherein the graphical user interface is configured to:
>> receive non-graphical information associated with the first graphical element including a first component specification, and
>> **link** information **for at least one component specification to a second component specification and the CAD element**, area or sub-area **by generating link data** **associated with the CAD element and component specifications**, the at least one component specification including the first component specification;
>> receiving the first component specification into the graphical interface;
>> **generating link data** **associated with the first graphical element and the first** **component specification;** and
>> **transmitting said** **link data and said first** component specification including the non-graphical data element and said data element representing the non-physical and non-functional attribute as a data unit to a database via internet communication by the first computer system.

Loveland does not disclose the embodiment claimed in claim 1. *Loveland* discloses a system for electronically storing a model which communicates the attributes of a structure along with related information. (col. 4, lines 61-67) The related information is stored according to document type. For example, "inventory items are [...] stored according to the item type and information type." (col. 15, lines 56-65) Graphical information in the form of an image may be stored and linked to the model. (col. 8, lines 7-10)

Loveland does not disclose "displaying a graphical user interface" that is configured to "link information for at least one component specification to *a second component specification and* a *CAD element, area or sub-area*," as recited in claim 1. The claimed embodiment recites that the graphical user interface can be configured to "link" a component specification to a CAD element, area or sub-area and a second component specification. *Loveland* does not describe a "graphical user interface" configured to link a component specification to both a second component specification and a CAD element and does not disclose linking component specifications to each other at all. Unlike the claimed embodiment of claim 1, *Loveland* discloses processing files individually.

Loveland also does not disclose "generating link data" associated with the first graphical element and the first component specification as recited in claim 1. *Loveland* discloses linking an image to a various parts of a model (col. 8, lines 1-14), but does not disclose generating "link data"

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associated with the first graphical element and the first component specification.

The Examiner asserts that *Loveland* discloses that components are linked to "attributes, specifications and photos." (Figure 2, col. 8, lines 1-14) Applicant respectfully submits that the cited portions do not disclose linking anything to attributes or a specification. The *Specification* discloses a component specification as follows:

> "component specification may include **information (or variable values) describing physical and/or functional characteristics of at least one corresponding project building component.** Each component specification may further include **one or more database links to additional component specifications (i.e., sub-specifications) stored in the specification file 60.**" (page 15, lines 16-20)

The *Specification* discloses a component as follows:

> "components include **any physical element or item added to (or to be added to) the exemplary construction project** such as HVAC systems and/or sub-elements thereof, electrical distribution systems and/or sub-elements thereof, plumbing systems and/or sub-elements thereof, structural systems and/or sub-elements thereof, doors and/or sub-elements thereof, windows and/or sub-elements thereof, molding and/or sub-elements thereof, chairs and/or sub-elements thereof, fabrics and/or sub-elements thereof, etc." (page 14, line 25 to page 15, line 5)

The cited portion of *Loveland* discloses linking an image to various parts of a model (col. 8, lines 1-14), but does not disclose that a "component" is linked to attributes or any type of "component specification."

Additionally, since *Loveland* does not disclose "generating link data," *Loveland* does not disclose "transmitting said link data and said first component specification" where the link data and said first component specification are a single data unit as recited in claim 1. *Loveland* discloses storing data entries individually. In particular, data entries in *Loveland* are processed and stored by type in separate files. (col. 15, lines 56-65) Multiple data elements in *Loveland* are transmitted individually and, as a result, the system of *Loveland* does not transmit more than one data entry as one unit. The system of *Loveland* is therefore less efficient and handles data differently than the embodiment as claimed in claim 1.

McClendon does not cure the deficiencies of *Loveland* with respect to claim 1. *McClendon* discloses identifying and organizing construction product information. Product data sets can be

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readily defined and recorded, searched and compared, and transmitted into a needed form. (col. 2, lines 35-44) An open ended data structure is defined by identifying information necessary to fully define needed types of property and requirements. (col. 10, lines 14-20)

McClendon does not disclose "displaying a graphical user interface" that is configured to "link information for at least one component specification to *a second component specification and* a *CAD element, area or sub-area*," as recited in claim 1. McClendon discloses creating generic data records that can be filled with different types of data. Nowhere does McClendon disclose "displaying a graphical user interface" that is configured to "link information" as recited in claim 1.

The portions of McClendon cited by Examiner do not disclose or render obvious "displaying a graphical user interface" that is configured to "link information" as recited in claim 1. One cited portion of McClendon discloses that a generic product may have its own set of data fields. (col. 9, lines 8-32). The other cited portion of McClendon discloses that products can be selected by providing an index of available generic products, selecting properties of interest, finding matching products and displaying the matching products. (col. 14, lines 28-58) Neither cited portion discloses a graphical user interface that is configured to "link information" for "at least one component specification to *a second component specification and* a *CAD element, area or sub-area*," as recited in claim 1.

McClendon also does not disclose "generating link data" associated with the first graphical element and the first component specification as recited in claim 1. Though McClendon discloses generating data fields for a generic data record, McClendon does not disclose "generating link data associated with the first graphical element and the first component specification" as recited in claim 1.

The combination of Loveland and McClendon also does not disclose or make obvious the claimed limitation of claim 1. Loveland discloses a system for electronically storing a model which communicates the attributes of a structure along with related information and storing the related information according to document type. McClendon discloses identifying and organizing construction product information by defining, searching and comparing generic data records. The combination of Loveland and McClendon discloses storing a model with structure attributes by in a generic data record. The combination of Loveland and McClendon does not disclose a user interface

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configured to "link information for at least one component specification to *a second component specification and* a *CAD element, area or sub-area*" or "generating link data" as recited in claim 1.

For the reasons discussed above, the combination of *Loveland* and *McClendon* fails to teach or make obvious each limitation of the embodiment claimed in claim 1. Because the combination of *Loveland* and *McClendon* fails to teach or suggest each limitation of claim 1, Applicant asserts that claim 1 is patentable over the cited art under 35 USC 103(a). Dependent claims 2-4 depend from patentable claim 1 and should be patentable for at least these reasons in addition to the distinguishing limitations they recite.

Claim 12

In addition to being dependent on an allowable claim 1, dependent claim 12 recites in part that a graphical user interface includes:

> a first portion in a first window for **receiving a selection of a first subset of a CAD project**;
> a second portion in the first window for **receiving a selection of a CAD object associated with the first subset**;
> a third portion of the first window for **receiving a selection of a component specification**;
> a fourth portion of the first window for **viewing attributes for a selected component specification**; and
> a mechanism within the first window for **linking the selected component specification to a selected CAD object**.

Loveland in view of *McClendon* does not disclose or make obvious providing a graphical user interface in a first window which has portions for receiving selections of "a first subset of a CAD project", "a CAD object associated with the first subset" and "a component specification", has a portion for "viewing attributes for a selected component specification" and a mechanism for "linking the selected component specification to a selected CAD object" as recited in claim 12.

Claim 13

In addition to ultimately dependent on an allowable claim 1, dependent claim 13 recites in part that the graphical user interface of claim 12 further includes:

> a fifth portion in the first window for **viewing component specifications linked to**

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the selected component specification; and

a second mechanism in the first window for **creating a new component specification.**

Loveland in view of *McClendon* does not disclose or make obvious providing a graphical user interface in a first window having a portion for "viewing component specifications linked to the selected component specification" and a mechanism for "creating a new component specification" as recited in claim 13.

Claims 5 and 14-17, 20-24

Independent claims 5, 14, 20 and 24 contain the distinguishing feature of a user interface configured to "link information for at least one component specification to *a second component specification and* a *CAD element, area or sub-area.*" Because the combination of *Loveland* and *McClendon* fails to teach or make obvious the patentably distinguishing feature of a user interface configured to "link information" as recited in these claims, Applicant asserts that claims 5, 14, 20 and 24 are patentable over the cited art under 35 USC 103(a). Dependent claims 15-17 and 21-23 depend from patentable claims 14 and 20 and should be patentable for at least these reasons in addition to the distinguishing limitations they recite.

Independent claims 14 and 20 also contain the distinguishing feature of a user interface configured to "generating link data." Because the combination of *Loveland* and *McClendon* fails to teach or make obvious the patentably distinguishing feature of a "generating link data" as recited in these claims, Applicant asserts that claims 14 and 20 are patentable over the cited art under 35 USC 103(a). Dependent claims 15-17 and 21-23 depend from patentable claims 6, 14 and 20 and should be patentable for at least these reasons in addition to the distinguishing limitations they recite.

Claims 6-13, 18-19, 25-26

Independent claims 6, 18, 25 and 26 recite the linking feature from a database perspective. In particular, these independent claims recite that a database may link a component specification to both another component specification and a CAD element (or graphical data element). For these reasons, Applicants submit that *Loveland* in view of *McClendon* does not disclose or suggest the

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embodiments claimed in independent claims 6, 18, 25 and 26. Dependent claims 7-13 and 19 depend from patentable claims 6 and 18 and should be patentable for at least these reasons in addition to the distinguishing limitations they recite.

VII.   Conclusion

Based on the above amendments and these remarks, reconsideration of claims 1-26 is respectfully requested.

The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned agent by telephone.

Enclosed is a **PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. §1.136** for extending the time to respond up to and including today, October 4, 2007.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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